

acted on the bill despite the fact that the legislation has important implications for matters under the jurisdiction of those that did not meet to consider it.

Of the two committees that acted on the bill, Government Reform and Oversight and Rules, only the Committee on Rules held a hearing and our hearing was brief. We heard from only three public witnesses.

What happened in the case of the Committee on Government Reform and Oversight is particularly egregious. Although Government Reform is the committee which has principal jurisdiction over the bill, not one hearing was held on it there. Groups and individuals that will be affected by this legislation had no opportunity to make their views known before the committee acted. The committee marked up the bill just 6 days after the bill had been introduced which limited the opportunity even of members of the committee to adequately review the bill, receive comments, develop alternatives and amendments. Proponents of the legislation have rationalized the shortcoming of the legislative process by saying that the Committee on Government Operations held a number of hearings on unfunded mandate legislation in the last Congress. But the bill the committee considered last year was significantly different from the one introduced and before us this year.

Furthermore, 31 out of 51, well over half of the members of the committee itself, did not serve on Committee on Government Operations last year, in the last Congress. For them, the hastily scheduled markup on a freshly introduced bill was their initiation to this complex major issue of unfunded mandates. Had our committees had more time to work with this bill, we might have had some of the answers that we ought to have before we move forward with the bill.

For example, does this bill prohibit consideration of reauthorization of laws that contain unfunded mandates currently in effect? It is apparently the intent of the sponsors to exclude existing mandates but it is not clear whether a minor change in a law would disqualify a reauthorization from being considered as such.

Which Federal activities are included in those which are to be prohibited under our rules? And which are exempted? The bill is not clear on that point.

Will this bill give public sector enterprises such as power generators and waste treatment facilities a competitive advantage over private sector counterparts and will that deter efforts to privatize existing governments activities that might be better handled and more efficiently handled by the private sector?

This bill provides a way for us to vote to waive the rule against legislation containing an unfunded mandate before a ruling is made on whether in fact it contains an unfunded mandate.

How are we to decide whether to waive that rule when we do not even know if the legislation in fact contains an unfunded mandate or exactly how much that unfundness is?

The list goes on and on. This is very problematic legislation and questions about the way it will work and the impact it will have will spill out over the next several days as Members will see as we consider amendment after amendment to this bill. The price we will pay for not having done a responsible job in this legislation in our committees, not having laid the groundwork there, will be protracted debate and an immense amount of confusion over the bill on the floor of the House of Representatives. Anyone watching these proceedings will surely question whether we have any clue at all as to what we are doing with this bill.

Mr. Speaker, we are well aware that the reason for the speedy consideration of the legislation is to enable our Republican friends to fulfill their Contract With America by getting all the bills listed in that document to the floor within 100 days. But as one of the witnesses at the Committee on Rules hearing said,

It is ironic that a bill supposedly intended to assure that the impacts of congressional actions are fully understood should be moved forward so hastily that no time or opportunity exists for understanding or evaluating its own impacts.

Mr. Speaker, this process is troubling in the extreme. In fact, it is a disgrace. It is also an affront to the American people who have every right to expect us to proceed with care and thoughtfulness when we write major pieces of legislation.

Mr. Speaker, I truly believe the American people will forgive our Republican friends a little slippage in the timetable for acting on the Contract if the end result is better written, more fully understood legislation.

Let us take what we all know is the right and responsible course of action here. Let us send this bill back to the four committees of jurisdiction for hearings and proper consideration which could be done over just the next couple of weeks and then when we bring it up on the House floor we will have both a much better product and a much better idea of what we are voting on.

I urge my colleagues to vote "no" on the rule.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 5, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, we have an extraordinarily impressive cadre of new members of the Committee on

Rules. I yield 2½ minutes to one of them, the gentleman from Tucker, GA [Mr. LINDER].

Mr. LINDER. I thank the gentleman for yielding me the time.

Mr. Speaker, while it is tempting to debate the contents of the unfunded mandate bill at this time, this debate is actually on the rule.

The debate we begin this morning shows that the new majority continues to keep its promises that we made to the American people. Two weeks ago we opened up the House and today we begin with free and open debate on H.R. 5, the Unfunded Mandate Reform Act and the rule attendant thereto.

As a member of the Committee on Rules, I want to comment on two specific aspects of this bill affected by the committee.

First I am pleased that every Member of the House has the opportunity to vote on a rule that we did not see very much of in recent years, an entirely open rule. During the past 2 years it was extremely rare for us to encounter many rules which allowed the House to engage in free and open debate. In fact it was not until May 1993 that we saw our first open rule in the 103d Congress.

Second, while the Congress has recognized the fiscal crisis that our State and local governments face in their attempts to absorb the costs of Federal mandates, Congress has been unable to find the will to curb its addiction to imposing these costly regulations. As a result, title III of this bill institutes new House enforcement procedures to terminate the casual practice of passing these unfunded mandates.

First, any bill reported by a committee containing intergovernmental or private sector mandates is subject to a point of order on the House floor unless the committee has published a CBO estimate. This is a straightforward, fiscally responsible reform. If a Member is not willing to find out how much a bill costs, then the bill cannot be considered.

Second, any bill, joint resolution, amendment or conference report which imposes mandates over \$50 million on State and local governments is subject to a point of order on the House floor, unless the mandate is funded. This new rule plainly states that legislation exceeding the declared threshold and not paid for will not be considered.

And third, any rule waiving the point of order is also subject to a point of order. This special obstacle assures that the Rules Committee will not merely suspend the thoughtful deliberation and accountability that the bill is designed to enforce.

I am certain that federalism in America was not intended to mean that our Governors and State and local officials were elected simply to serve as administrators of expensive Federal programs. This legislation allows the Congress to move away from coercive federalism and permits the States to focus on State and local priorities. I strongly support the passage of H.R. 5

and I welcome the free and open debate.

Let me add that the Democrats arguing about the lack of a hearing are being disingenuous at best considering that in the last Congress, the Government Operations Committee never held a hearing or a markup on three bills that were brought to the House floor: H.R. 1578—Expedited Recession Act; H.R. 4907—Full Budget Disclosure Act, and House Concurrent Resolution 301—sense of Congress on entitlements.

I strongly urge my colleagues to support this open rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HALL]. I referred to the gentleman from California, [Mr. BEILENSON], as the conscience, and I refer to the gentleman from Ohio as the heart and stomach when it comes to dealing with nutrition problems as it affects young people, and I am sure this is part of the reason that the gentleman is opposed to this rule.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Massachusetts, [Mr. MOAKLEY], for his very kind words. I am very glad that we have an open rule here today. It is not the most straightforward open rule that one could have, but the rule does have a provision, as Members have heard, for according priority recognition for Members who have preprinted their amendments in the CONGRESSIONAL RECORD. In my opinion, and in the opinion of others, this is unnecessary to the rule and should not have been included.

I am also concerned over the way in which the bill is being brought to the floor. It is a major piece of legislation, and just fundamentally changes the procedures for handling future legislation. Yet it is being rammed through with no hearings and no opportunity from the committee that has jurisdiction, the committee, unlike the Rules Committee that in fact studies it and understands these kinds of things every day, for a positive input, much less explanation.

There are also major substantive problems with the direction of the bill, and while I know States and local communities are having a tough time, and for that reason there is a lot of good in this bill, I am concerned that not all of the provisions have been thought through.

I am particularly concerned about the impact of this bill on nutrition and poverty programs serving low-income people. When we considered this bill in the Rules Committee I repeatedly asked its authors if food and other services to the poor would be reduced, and I really could not get a good answer on it.

Therefore, Mr. Speaker, I will be offering an amendment to protect the very-low-income programs that were exempt from sequestration under the Gramm-Rudman Act of 1985, that we all agreed we thought was a good idea to exempt those. These are Child Nutri-

tion, Food Stamps, Aid to Families with Dependent Children, Medicaid and Supplemental Security Insurance.

If changes are made in the programs down the road my amendment will make sure States will not be able to cut services to the poor. It will also continue our longstanding Federal commitment to these food and poverty programs by including them as unfunded mandates in this bill.

This bill without the mandates, without the amendment that I hope to put in, will hurt poor people if it passes without this amendment.

I would urge my colleagues to take a careful look at this bill. It is one which changes procedures for legislation coming down the pike, and since the Government Reform and Oversight Committee held no hearings, every Member of this body needs to scrutinize this bill to see exactly what effects it really will have not only on the country but on their districts.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes the gentleman from Columbus, OH [Ms. PRYCE], another able new member of the committee.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this wide-open rule for the consideration of the Unfunded Mandate Reform Act.

An open rule for a bill as significant as H.R. 5 is a welcome change around here. In recent years, the House has increasingly operated under restrictive procedures which have prevented Members on both sides of the aisle from offering legitimate amendments. As Chairman SOLOMON has eloquently stated before, 70 percent of the rules granted by the Rules Committee during the 103d Congress were restrictive. Under the new Republican majority, and Mr. SOLOMON's able leadership, we will work to restore free and open debate to this institution.

As the November elections showed us, the American people want real reform. They want to see honesty and accountability return to this legislative process. By adopting an open rule for H.R. 5, we send a clear message that deliberative democracy is about to wake up in America after a long, long sleep and that we welcome differing points of view.

The time has come for Congress to take financial responsibility for the laws and rules it passes. Our current system of mandating is nothing less than an abuse of power by big Government—the ultimate arrogance in Washington DC.

Governors and mayors across the Nation are pleading with Congress to stop passing the buck when it comes to passing new Federal mandates. H.R. 5 is a reasonable, long-overdue response to the plight of State and local dealers who are forced to pay for expensive, one-size-fits-all Federal solutions to what are most often local problems in search of local solutions.

Mr. Speaker, I applaud the leadership for making unfunded mandate relief a top legislative priority in the 104th Congress. I support this bipartisan legislation and urge the House to adopt this wide-open rule.

□ 1140

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Miami, the gentleman from Florida [Mr. DIAZ-BALART], another new member of the committee.

Mr. DIAZ-BALART. Mr. Speaker, I am very proud of my party today.

After 40 years in opposition, being closed out time and time again with regard to the ability, that most essential ability on behalf of one's constituents, to introduce amendments and to speak in behalf of those amendments on this floor, and despite, in addition to that, the very substantial legislative agenda that we have contracted with the American people that we will pass within the first 100 days and the necessary time constraints that come together with that agenda, despite that, we bring the first piece of legislation to the floor today with an open rule process, with an open rule.

Now, it is not easy always to enter into dialog with the American people with regard to procedure, because it seems sometimes too technical. But the heart of democracy, Mr. Speaker, is procedure, just like the heart of due process of law is procedure, and the procedure that is at the heart of the fairness with which we are bringing forth this first piece of legislation today to the floor is called the open rule, the ability for all Members of this House, despite whether they are in the minority or majority, to bring forth whatever amendments they have on behalf of their constituents that they would like to be considered by their colleagues.

So I am proud of my party. I am proud of the fact that despite the fact that we do not have to, because we are in the majority, we, nevertheless, are giving the opposition the fairness that they denied us.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado Springs, CO [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, the game works like this: Congress comes up with an idea which is supposed to help people, but Congress is broke, and so Congress passes a bill anyway and sends it off to the States and falls all over itself claiming credit for a job well done.

Meanwhile, State and local governments which had little or no input into the issue find this new law waiting on their doorstep delivered c.o.d. For them, the real work just began, deciphering the new rules and figuring out how to pay for them.

I served in the Colorado State Legislature, and I know the frustration felt by local and State officials.

Unfortunately for our Federal system, that frustration is growing. According to CBO, Federal regulations enacted between 1983 and 1990 cost State and local governments over \$12 billion.

In the last Congress we considered at least 60 bills which contained some form of mandate. In my State of Colorado, a recent survey identified 195 Federal programs containing mandates for State and local governments.

These mandates consumed 12 percent of the total State budget. You know, I would encourage support for this rule. I cannot believe the arguments against an open rule.

Support it.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I would like to address a question to the gentleman from California [Mr. DREIER].

We are talking about the openness of the rule.

The gentleman was talking about the openness of the rule. Everybody says wide openness.

Do we have a guarantee that debate will not be shut off on any amendments?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Our plan here is to do something that often has not been done over the past several years. We plan to follow the rules of the House.

Mr. MOAKLEY. Which ones?

Mr. DREIER. We plan to follow all of the rules of the House. In so doing, we will go through the normal procedure of the 5-minute rule which is the way the open amendment process is handled.

Mr. MOAKLEY. Could the gentleman answer the question? I know he is going to follow all the rules. But will debate be shut off on any of the amendments?

Mr. DREIER. In response, if the gentleman would yield further, I would respond by simply saying we plan to comply with the rules of the House which do, in fact, allow for motions which can, in fact, bring an end to debate. That, as the gentleman knows, is a rule of the House, and so based on that, we plan to comply with the standing rules of the House which will be an unusual, near precedential development here.

Mr. MOAKLEY. Does the gentleman plan to use that rule of the House to cut off debate?

Mr. DREIER. If the gentleman would yield further, I have no plan whatsoever to cut off debate. I plan to follow the debate; if there are attempts made by Members on either side to simply be dilatory, to prevent the American people to be able to see their Representa-

tives move through legislation which will address the issue of unfunded mandates, I would not be surprised if a motion like that would be offered.

Mr. MOAKLEY. Well, the gentleman can rest assured I have no intent of being dilatory.

Mr. DREIER. Well, we probably will not have any motion like that that would cut off debate.

Mr. MOAKLEY. Yes. But the problem is the lack of committee consideration. It was not the way the rule was handled. It was the way it came to the Committee on Rules where we had to amend the bill that came, because it had a duplication of sections. It came from the Government Ops Committee, so it just showed that it was not really gone over as extensively as it should have been at that time.

Can I ask, do you have any unfunded mandates in the Contract With America?

Mr. DREIER. If the gentleman would yield further, I suspect that, well, and I know that under this legislation, when this legislation is signed, anytime there is a possible unfunded mandate that would come forward under the Contract With America or any other legislation, we, in fact, in this institution will be accountable and will have to find that out. That determination has not yet been made.

It is quite possible. I do not believe that there are any unfunded mandates in the Contract With America, but if there are, the House will make that decision, and we will have a vote on it, if we can successfully move forward, report out this rule, and pass the legislation.

Mr. MOAKLEY. The gentleman is aware that this bill does not take effect until October 1995 and, therefore, your Contract With America will already be past in those 100 days.

Mr. DREIER. If the gentleman would yield, I would say, based on my very detailed analysis of the Contract With America, I concluded that I do not think there are any unfunded mandates in there.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would be glad to read you the 10 points of the contract. It is so exciting to even read them.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Glenwood Springs, CO [Mr. MCINNIS], another hard-working new member of the Committee on Rules.

Mr. MCINNIS. Mr. Speaker, I do appreciate the time that was yielded to me by my friend, the gentleman from California.

I used to be the majority leader in the Colorado State Legislature, and in that position, we always enjoyed the opportunity to have both Democrats and Republicans amend bills, as we

continued to have debate on them on the House floor.

When I first came to the U.S. Congress, I was stunned to see that through the Committee on Rules many people, such as myself who were elected to represent States in this country, were prohibited from having debate or prohibited from having amendments on the House floor. Well, times they are a-changing. Now the first contract item that comes onto the House floor is going to come on with an open rule.

This issue, unfunded mandates, will certainly have many different types of amendments from Republicans and Democrats, but the issue here that the American people should recognize is that times have changed, and for the first time in a long time, we will have an open debate and a recorded vote for the American people.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO], the former chairman of the Committee on the Budget.

□ 1150

Mr. SABO. Mr. Speaker, and Members, I rise in opposition to this rule. This year for the first time the Budget Committee was given legislative jurisdiction over legislation coming before the House. This bill was the first bill for which this committee received referral. The committee held no hearings, made no judgment, no examination of this legislation, despite the fact that much of what is in this bill has very direct impact on the budget and the Budget Committee.

There are expanded duties for the Director of the Congressional Budget Office. Whether the resources in this bill are sufficient for that office to do its duties we do not know. There are new and additional responsibilities for the Committee on the Budget to make estimates of the costs of mandates, a substantial new and different responsibility.

Again, the committee has had no hearings, no discussions on how we are going to handle that process.

The bill also makes reference to what the budget can or cannot do. What those references mean is not very clear from what the bill says. It indicates, and this goes far beyond the question of mandates, where I understand the bill says, in Minnesota, if we dumped our sewage on the Iowa border, that is not of national concern unless the Federal Government pays for it—I have a tough time understanding that. But the bill goes far beyond that. It, for instance, exempts Social Security. Does that mean Social Security retirement, Social Security disability, other portions of the Social Security Act? It has very specific language on changes in entitlements, and I know it does not apply until October 1.

Mr. Speaker, there are major questions as this bill relates to our budget process that were not heard.

Mr. MOAKLEY. Mr. Speaker, would the chair bring us up to date as to the time remaining?

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman from Massachusetts [Mr. MOAKLEY] has 4 minutes remaining, and the gentleman from California [Mr. DREIER] has 12 minutes remaining.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Economic and Educational Opportunities, the gentleman from Jacobus, PA, [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, please listen carefully because I have something very relevant to say. I want to make sure that we understand that H.R. 5 has no, I repeat, no effect on two important disability laws, the Individuals with Disabilities Education Act, [IDEA] and the Americans with Disabilities Act [ADA]. It has no effect whatsoever on both of those. As the CRS law division has confirmed, IDEA and ADA are exempted from coverage under this bill. And if you will read the Dear Colleague I sent out to you, you will discover the exact language, which, as a matter of fact, exempts both of those very, very important pieces of legislation from the act.

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to a hard working Member, the gentlewoman from Bethesda, MD [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. I thank the gentleman for yielding.

Mr. Speaker, I join many of my colleagues today in expressing the need to address the issue of unfunded Federal mandates for State and local government. Every Member of this House, I believe, shares the view that State and local governments have been asked to assume an overwhelming burden of Federal mandates in recent years.

I do want to comment on some concerns I had. First of all, I am pleased that the Committee on Rules adopted an amendment similar to the one I offered in committee, clarifying that reauthorization of current bills will not be subject to the point of order as long as the aggregate costs to State and local governments are lower than they were in previous authorizations.

I think it is imperative we protect our current environmental, health, and other laws.

I want to point out, Mr. Speaker, that I am concerned with potential litigation resulting from the House version which has the judicial review provisions. I want to point out that I hope that CBO will provide its mandate cost estimates in a timely fashion and that its estimates will be accompanied by explanation of its methods.

I also want to point out that I believe it is imperative that environmental standards apply to both the public and

private sectors. Uniform standards, I think, are critically important. I have said I will work with Mr. CLINGER and members of the committee to do that, and I support this rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to another hard-working member of the Committee on Rules, the gentlewoman from Salt Lake City, UT [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. I thank the gentleman for yielding this time to me.

Mr. Speaker, as a new Member of this body and as a new member of the Committee on Rules, I am proud to rise in support of this wide-open rule for the consideration of this critical bill.

This rule shows our commitment to the principle that ideas and debate should not be smothered—should not be denied consideration or a fair hearing—and in this Congress, free speech will not be denied its Members.

Mr. Speaker, I rise to strongly support the underlying legislation for this bill. For too long this body has been able to substitute its judgment and priorities for the judgment and priorities of State Governors, legislatures, mayors, city councils, and county officials. The priorities of this body have too often not reflected the priorities of the people who sent us here.

Now, there has been a concern raised about the impact of this bill on poverty programs; programs for people in need. Let me tell you about what the lack of this bill has already done in my home State of Utah.

A few years ago the State of Utah had a surplus in its budget of over \$25 million—money that we had decided to set aside for programs for the vulnerable elderly, for children, for education, to help people in need in our State. Yet before we could implement those plans, we were notified by the Federal Government that this body had decided to broaden the benefits it provided, without paying for them. And that \$22 million had to be set aside by the State of Utah to meet the priorities of this body.

It is time that that practice stop, and this bill will raise the procedural barriers necessary to keep this body from substituting its judgment for the judgment of the people at home.

I urge my colleagues to support this rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Bellvue, WA, a hard-working new member of the Committee on Ways and Means, Ms. DUNN.

Ms. DUNN of Washington. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of this wide-open rule because, Mr. Speaker, there is not any portion of the Constitution that represents the common-sense approach that our new majority was elected to pursue more than the federalism of Article 10 of the Bill of Rights.

Article 10 reads as follows: "The powers not delegated to the United States by the Constitution nor prohibited by

it to the States are reserved to the States respectively or to the people."

H.R. 5 will restore the spirit of this amendment by restricting unfunded mandates and returning the decision-making power back to the local level so that they may determine which programs should be priorities for their communities.

Mr. Speaker, there has been no greater violation of the spirit of the 10th amendment than through the process of imposing unfunded Federal mandates on our States or local communities.

In my home State of Washington, towns with small budgets work hard just to keep their noses above water as they struggle to comply with the dictates handed down by overzealous lawmakers in Washington, DC.

For example, the mayor of Snoqualmie, a small town in my district, told me the city would be bankrupt if they are forced to comply with the Federal mandates included in the Safe Drinking Water Act.

Additionally, they will have to increase local water bills by 200 to 300 percent.

Mr. Speaker, the town of Carbonado, population 540, must find \$800,000 to comply with this same legislation.

When will this kind of absurdity end? The American people have said the time is now. Let us pass this rule, debate this bill, and end the arrogance of Congress passing laws and then passing the tab on to the backs of State and local governments and eventually, of course, on to the people.

If the Federal Government cannot pay for it, we should not force the costs on to the States. That is just common sense.

□ 1200

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BECERRA].

(Mr. BECERRA asked and was given permission to revise and extend his remarks.)

Mr. BECERRA. Mr. Speaker, in this debate one point bears repeating. What we are really doing here is signing on the dotted line before reading the actual terms and conditions of the document. We are being told to do something in this House that no prudent family would do in its own home. The majority party is insisting that we race through this legislation, but, in doing so, the institution is closing its eyes to the many pitfalls and unanswered questions in this bill.

I ask, "Who doesn't agree with the general idea that sparing State and local governments from costly, unreasonable mandates is the thing to do?" We all agree, but the problem here is that this bill before us is filled with all sorts of unintended consequences.

Before we make final decisions, we ought to know in detail what this bill really means to America's people and its communities. Are we placing consumer protections in jeopardy?

What about measures that have safeguarded our environment, the Clean Water Act, our child protection laws, our laws protecting senior citizens against age discrimination? What will happen to these laws?

Before we get any work done on this bill, we should ask ourselves, Do we really know what it's all about?

I urge a "no" vote on this rule.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Pasco, WA [Mr. HASTINGS], another thoughtful new Member of the Congress.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of this rule and this legislation.

Former Senator John Sharp Williams, an admirer of Thomas Jefferson, once noted that, quote, my reading of history convinces me that most bad government has grown out of too much government, end quote. That is exactly the problem that we are attempting to correct with this legislation.

When I first began working in my family business years ago, the onslaught of Federal regulations on our local communities had just begun. Later, as a Washington State legislator, I saw firsthand how destructive these Federal mandates could be. Today the Federal Government has used this mandate loophole to radically expand the scope of Federal intrusion in the lives of all our Americans. Let me give my colleagues a couple of examples.

Federal regulations are forcing one county in my State to spend \$142,000 to convert their traffic signs to the metric system. Never mind that nobody wants it. Never mind that those dollars could go to schools, or infrastructure. It is just an extra cost.

Mr. Speaker, I support this rule and this legislation.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Mariposa, CA [Mr. RADANOVICH], another of our new Members.

Mr. RADANOVICH. Mr. Speaker, when I first began public service as a member of a country planning commission, I carried into office what turned out to be a naive notion. I thought that our community's elected officials were free to do what they best believed served the citizenry. In some respects that was and is the case. However, what I failed to factor in was Uncle Sam's ability to determine what was best and to make us pay for it, like it or not. Imposing obligations on local government from distant beltway bureaucracies, but without Federal dollars to pay for them, is wrong, and H.R. 5 will right that.

Today we are considering a reform of the federal system itself and return to the relationship between the Federal Government and various State and local government agencies that reflects a partnership in the activity of governing. A relief from additional Federal

mandates on State and local governments will take a long stride toward correcting the imbalance of this relationship. It becomes again our opportunity to continue the reform begun when this 104th Congress convened. Our opening day showed the way as we changed rule after rule improving the way the House does business. Now, by lifting the burden of unfunded mandates, we are changing the business that Congress does.

The Contract With America continues to be performed as we keep faith with the 10th amendment in the Constitution's Bill of Rights, reserving to the States and the people of all those public powers except those delegated to the Federal Government.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I wish I had more time because this is a very important subject, but I realize that we are the majority now.

Mr. Speaker, I wish I could bargain with the gentleman from California [Mr. DREIER] all the time. I say to the gentleman, "Thank you very much. I appreciate it."

Mr. Speaker, for too long our Congress is going on spending sprees at States' and local governments' expense, and this House has for years mandated project after project with little or no concern about who will foot the bill, and today we are finally coming to a recognition of that and doing something about it, and that is why this portion of the Contract With America is so important.

My good friend, the gentleman from California [Mr. DREIER], in yielding me the time had mentioned my hometown, Appleton, WI. I just want to point out that the U.S. Conference of Mayors has estimated what the impact has been of only 10 unfunded mandates on that community, on my community. It is over a million dollars a year to comply with just 10 of the mandates that Congress has passed. But do my colleagues realize that these bills are getting bigger and bigger every day?

Mr. Speaker, since 1990, 5 years ago, 4 years ago, Congress has enacted over 40 major statutes that impose new regulations and requirements on States, and Congress has passed more mandates in the last 5 years than in the previous two decades combined, and again I want to underline, Mr. Speaker and Members, that this is why this legislation is so essential in the Contract With America and for all of the Americans. It is time the Members of Congress become aware of the financial burdens that Federal legislation places on State and local governments. Every day American businesses, and households, and cities like Appleton, have to consider the impact their actions have on their own bottom lines. States and local governments must do so as well.

Mr. Speaker, that is why I ask everyone here to vote for this rule and also to vote on the bill.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Cincinnati, OH [Mr. PORTMAN], a very hard-working Member who was one of the many progenitors of this legislation.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for yielding this time to me, and I want to congratulate him, and also the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for this open rule. I think it is a great step forward. It is going to lead to a very interesting debate over the next few days. We will have plenty discussion on all the issues, and I look forward to it. I think the Committee on Rules also provided a good service to this country by refining some of the aspects of this legislation in its good hearing on the matter. A lot of the issues were debated, of course, extensively at that hearing.

I say to my colleagues, Let me just read you one letter I got a couple of weeks ago from Mark Schockman, a fire chief in my district. He wrote to tell me:

Unfunded mandates are having strong impacts on our ability to provide emergency services to our customers and to your constituents, Congressman.

Well, unfortunately for my constituents, that is exactly what is going on. Mandates result in cuts in vital services, fire services, police services, and so on. They also result in increased taxes. These are property taxes, these are sales taxes, these are State income taxes. In a way it is taxation without representation. It is a critical issue. It is a crisis. We have got to have a new kind of federalism.

Again I applaud the Committee on Rules for having this open rule. I look forward to an open debate.

Mr. MOAKLEY. Mr. Speaker, I yield our remaining time to the gentlewoman from Illinois [Mrs. COLLINS] to close debate.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentlewoman from Illinois [Mrs. COLLINS] is recognized for 4 minutes.

□ 1210

(Mrs. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, as ranking member of the Committee on Government Reform and Oversight, I strongly oppose this rule because the legislative process under which H.R. 5 is being brought to the floor today has prevented our committee from having an adequate opportunity to meaningfully review the bill before it reached this point.

The concerns of the minority are discussed in our minority views in the committee's report on H.R. 5, and in general they all stem from one simple fact. The majority leadership is evidently attempting to railroad this bill through the House before there is

enough time to carefully review its contents.

First, the committee held no hearings. Those cited in the committee report were held in the 103d Congress and can in no way substitute for hearings in this Congress. The bill that the Committee on Government Reform and Oversight considered last week is considerably different from the one that the Committee on Government Operations reported out by a 35-to-4 bipartisan vote in the previous Congress. More importantly, we have many new members on our committee who had no opportunity to attend those hearings. In fact, 31 of the 51 current members did not even serve on the committee in the 103d Congress and, therefore, have no institutional knowledge of the legislative process through which that bill have traveled.

Second, the lightning speed of the consideration of H.R. 5 did not give our members adequate time to review the legislation. The printed copy of the bill that went to our members was not available until Friday, January 6. In short, our members had a weekend to read the bill and to prepare amendments.

Third, since our Committee on Government Reform and Oversight was designated the lead committee, I find it incomprehensible that we should have been given no opportunity to consider amendments to the heart of the bill, which is title III, dealing with congressional procedures in handling mandates. Instead, the only matters of consequence we were allowed to consider were the title I mandates study commission and the exclusions to the bill contained in section 4.

My fourth concern relates to the manner in which minority members were treated at the markup. In one case the previous question was ordered on an amendment by the minority that had not even been ready yet and the point of order was rejected.

In another case an amendment in the nature of a substitute was ruled out of order because we were told that only one amendment in the nature of a substitute could be offered to section 1 even if the previous amendment had been defeated.

Finally, there was a particularly troublesome breach of our rules when at the beginning of our markup the chairman recognized a member of the majority who is not a member of our committee to give a statement on the bill. This converted the markup to a hearing. However, we received no notice of the hearing and were granted no opportunity to ask questions under the 5-minute rule or to select minority witnesses.

Mr. Speaker, an open rule is only one element in guaranteeing an open and thoughtful debate on legislation. We have already seen in our committee how such procedures as calling the previous question have been used to preclude open and full debate.

Mr. Speaker, I, therefore, oppose this rule, and I urge my colleagues to do the same.

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 1 minute remaining.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Rockwell, TX [Mr. HALL].

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise today in support of the rule for consideration of H.R. 5, the Unfunded Mandate Reform Act of 1995. This will be one of the most important issues to be deliberated in this historic, reform-minded Congress, and it is imperative that we entertain all views and hear all arguments before we cast our votes. I am satisfied that this rule will permit adequate debate and discussion of this legislation.

For too many years the Federal Government has been mandating policies to State and local governments and to the private sector without regard for the cost or the burdens of compliance. H.R. 5 will change that policy. No longer will we be able to pass laws without adequately funding their implementation. In addition, when Members of Congress know the financial and bureaucratic impact of a particular piece of legislation, hopefully we will be able to craft a more responsible and cost-effective approach to a particular problem.

This legislation will help make the Federal Government more accountable to those we serve. Issues that affect the health and safety of all Americans will continue to receive top priority by the Federal Government. Other programs that might affect one area or group more than another should be voluntary, with Federal assistance awarded proportionately, if available and if needed.

The time has come to get government off the backs of State and local governments and off the backs of the private sector. It is time for Congress to stop passing laws without knowing the consequences of our actions. H.R. 5 will help achieve these goals, and I welcome an open discussion of these issues.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, since the early 1980's the American people have been crying out for some sort of relief. Washington has been imposing on State and local governments and the private sector requirements that they comply with all kinds of constraints and requirements, and yet we do not provide the where-withal for them to meet those requirements. It is absolutely ridiculous for us to continue passing those on.

This legislation has been studied for years and years and years. We have been trying to bring it up. It has been done under an open process in the committee, an open amendment process in the Rules Committee, and here on the House floor. We planned, when we reported this rule, to have the first measure, the Contract With America, be on the opening day considered under a wide-open rule.

Mr. Speaker, I urge my colleagues to vote in support of openness and in sup-

port of accountability. I ask my colleagues to vote for this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 71, not voting 13, as follows:

[Roll No 21]

YEAS—350

Ackerman	Crane	Gutknecht
Allard	Crapo	Hall (TX)
Andrews	Cremins	Hamilton
Archer	Cubin	Hancock
Armey	Cunningham	Hansen
Baesler	Danner	Harman
Baker (CA)	Davis	Hastert
Baker (LA)	de la Garza	Hastings (WA)
Ballenger	Deal	Hayes
Barcia	DeLauro	Hayworth
Barr	DeLay	Hefley
Barrett (NE)	Dellums	Hefner
Barrett (WI)	Deutsch	Heineman
Bartlett	Diaz-Balart	Heger
Barton	Dickey	Hilleary
Bass	Dicks	Hobson
Bateman	Doggett	Hoekstra
Bentsen	Dooley	Hoke
Bereuter	Doolittle	Holden
Berman	Dornan	Horn
Bevill	Doyle	Hostettler
Bilbray	Dreier	Houghton
Bilirakis	Duncan	Hoyer
Bishop	Dunn	Hunter
Bliley	Edwards	Hutchinson
Blute	Ehlers	Hyde
Boehlert	Ehrlich	Inglis
Boehner	Emerson	Istook
Bonilla	Engel	Jackson-Lee
Bono	English	Jacobs
Boucher	Ensign	Jefferson
Brewster	Eshoo	Johnson (CT)
Browder	Everett	Johnson, E.B.
Brown (OH)	Ewing	Johnson, Sam
Brownback	Fawell	Johnston
Bryant (TN)	Fields (LA)	Jones
Bryant (TX)	Fields (TX)	Kaptur
Bunn	Flanagan	Kasich
Bunning	Foley	Kelly
Burr	Forbes	Kennedy (MA)
Burton	Ford	Kennedy (RI)
Buyer	Fowler	Kennelly
Callahan	Fox	Killdeer
Calvert	Franks (CT)	Kim
Camp	Franks (NJ)	King
Canady	Frelinghuysen	Kingston
Castle	Frisa	Klecza
Chabot	Funderburk	Klug
Chambliss	Gallely	Knollenberg
Chenoweth	Ganske	Kolbe
Christensen	Gekas	LaHood
Chrysler	Gephardt	Lantos
Clayton	Geren	Largent
Clement	Gibbons	Latham
Clinger	Gilchrest	LaTourette
Clyburn	Gillmor	Laughlin
Coble	Gilman	Lazio
Coburn	Gonzalez	Leach
Collins (GA)	Goodlatte	Levin
Combest	Goodling	Lewis (CA)
Condit	Gordon	Lewis (KY)
Conyers	Goss	Lightfoot
Cooley	Graham	Linder
Costello	Green	Lipinski
Cox	Greenwood	Livingston
Cramer	Gunderson	LoBiondo

Lofgren	Payne (VA)	Souder
Longley	Peterson (FL)	Spence
Lucas	Peterson (MN)	Spratt
Luther	Petri	Stearns
Manton	Pickett	Stenholm
Manzullo	Pombo	Stockman
Martinez	Pomeroy	Studds
Martini	Porter	Stump
Mascara	Portman	Stupak
Matsui	Poshard	Talent
McCarthy	Pryce	Tanner
McCollum	Quillen	Tate
McCrery	Quinn	Tauzin
McDade	Radanovich	Taylor (MS)
McHale	Rahall	Taylor (NC)
McHugh	Ramstad	Tejeda
McInnis	Reed	Thomas
McIntosh	Regula	Thompson
McKeon	Richardson	Thornberry
Menendez	Riggs	Thornton
Metcalf	Rivers	Tiahrt
Meyers	Roberts	Torkildsen
Mica	Roemer	Torres
Miller (CA)	Rogers	Towns
Miller (FL)	Rohrabacher	Traficant
Minge	Roth	Tucker
Molinari	Roukema	Upton
Mollohan	Royce	Visclosky
Montgomery	Salmon	Volkmer
Moorhead	Sanford	Vucanovich
Moran	Sawyer	Waldholtz
Morella	Saxton	Walker
Murtha	Scarborough	Walsh
Myers	Schiff	Wamp
Myrick	Schroeder	Ward
Nadler	Schumer	Watts (OK)
Neal	Seastrand	Weldon (FL)
Nethercutt	Sensenbrenner	Weldon (PA)
Neumann	Shadegg	Weller
Ney	Shaw	White
Norwood	Shays	Whitfield
Nussle	Shuster	Wicker
Obey	Sisisky	Wilson
Ortiz	Skaggs	Wise
Orton	Skeen	Wolf
Oxley	Skeltton	Wynn
Packard	Smith (MI)	Young (AK)
Pallone	Smith (NJ)	Young (FL)
Parker	Smith (TX)	Zeliff
Pastor	Smith (WA)	Zimmer
Paxon	Solomon	

NAYS—71

Abercrombie	Frank (MA)	Moakley
Baldacci	Frost	Oberstar
Becerra	Furse	Olver
Beilenson	Gejdenson	Owens
Bonior	Gutierrez	Payne (NJ)
Borski	Hall (OH)	Rangel
Brown (CA)	Hastings (FL)	Roybal-Allard
Brown (FL)	Hilliard	Rush
Cardin	Hinche	Sabo
Clay	Johnson (SD)	Sanders
Coleman	Kanjorski	Scott
Collins (IL)	Klink	Serrano
Collins (MI)	LaFalce	Stark
Coyne	Lewis (GA)	Stokes
DeFazio	Lowey	Thurman
Dingell	Maloney	Torricelli
Dixon	Markey	Velazquez
Durbin	McDermott	Vento
Evans	McKinney	Waters
Farr	McNulty	Watt (NC)
Fattah	Meek	Williams
Fazio	Mfume	Woolsey
Filner	Mineta	Wyden
Foglietta	Mink	

NOT VOTING—13

Bachus	Pelosi	Slaughter
Chapman	Reynolds	Waxman
Flake	Ros-Lehtinen	Yates
Lincoln	Rose	
Meehan	Schaefer	

□ 1229

Ms. EDDIE BERNICE JOHNSON of Texas, and Messrs. CLYBURN, POMEROY, THOMPSON, and TORRES changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. KANJORSKI. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GUNDERSON). The gentleman will state it.

Mr. KANJORSKI. Mr. Speaker, as I understand the new rule in clause 2(l)(2)(B) of rule XI, adopted on January 4 of this year as the new rules of the House, each committee report must accurately reflect all rollcall votes on amendments in committee; is that correct?

The SPEAKER pro tempore. The gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, as a further parliamentary inquiry, the report accompanying H.R. 5, as reported from the Committee on Government Reform and Oversight, House Report 104-1, part 2, lists many rollcall votes on amendments. On amendment 6, the report states that the committee defeated the amendment by a rollcall vote of 14 yes and 22 no. However, the tally sheet shows 35 members voting "aye" and 1 member voting "nay".

Mr. Speaker, would a point of order under clause 2(l)(2)(B) of rule XI apply?

The SPEAKER pro tempore. In the opinion of the Chair, the gentleman is correct.

Mr. KANJORSKI. Mr. Speaker, if that were the case, it is clear that this bill could not proceed under its present rule; is that correct?

The SPEAKER pro tempore. The gentleman is correct, if it is an error on behalf of the committee. If it is a printing problem which would not be sustained in the point of order.

Mr. KANJORSKI. Mr. Speaker, I am not going to insist or raise a point of order. However, I bring this to the attention of the Chair and to my colleagues on the other side. Some of the hesitancy to proceed as quickly as we are proceeding on this bill and others that are part of the Contract With America is the fear on the minority side that this haste may bring waste, that speed may bring poor legislation.

There are many elements of the unfunded mandate bill which I think the long-term ramifications and the possibilities of working havoc on the judicial system and the regulations and rules presently existing in the United States could cause our constituents difficulty.

I would urge that the majority, in consideration of the fact that we are not going to use this tactic to delay this debate, take into consideration that their rules must be applied on a day-to-day basis, because the majority is responsible for having passed this rule.

Mrs. COLLINS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Illinois.

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding to me. The gentleman is absolutely right. The speed with which we have

had to consider this legislation has, as the gentleman has pointed out, created a number of problems that are evidenced right there. It seems to me if we would just slow down, get deliberate and full review of what we are trying to do here, these kinds of mistakes that the gentleman has pointed out will not happen, and I certainly think that the gentleman is absolutely right in pointing that out so that all of us can be aware of it. I thank him for doing so.

Mr. KANJORSKI. I thank the ranking member.

Mr. Speaker, may I just address the other side for a moment and say that we had a series of amendments. Many of them are very, very important. There is the possibility, as we move into the amendment phase of this bill, that there is going to be a move for cloture or limitation of debate. I hope we can have an agreement that, based on the new concept of an open rule, that the majority will not impose time restrictions on reasonable debate on the amendments to be offered.

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, let me reassure the gentleman from Pennsylvania that there is no intent to change the rule. The rule is a very open rule, and there is no intent at all to in any way proscribe or limit the ability of the minority to offer amendments.

I would point out to the gentleman from Pennsylvania that I am advised that indeed there is a printing error in the RECORD. The tally clearly shows what the vote was. There was a printing error in terms of identifying what that vote was. But this was a printing error and certainly in no way should be used to vitiate the procedure that we are undergoing right now.

Mr. KANJORSKI. I assume we can accept the chairman's word.

The SPEAKER pro tempore. The gentleman from Pennsylvania has been recognized for the purpose of a parliamentary inquiry. The gentleman may continue regarding the inquiry.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from the State of New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, this was my amendment, and it is a printing record error. The Republicans voted against exempting the most vulnerable citizens in our society, children, that cannot vote, cannot speak for themselves in the unfunded mandates bill. But it is a printing error. They did not vote for it.

□ 1240

Mr. KANJORSKI. Mr. Speaker, just in closing I would like to say that I think this side, the minority, in fact, wants to cooperate with the majority side and have reasonable debate and discussion, so whatever the bill that finally comes out of the House of Representatives, we as Members of this